

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL ALEJANDRO LOPEZ,

Defendant.

CR-13-08-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 3, 2025. (Doc. 100.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 21, 2025 and January 30, 2025. (Docs. 98 and 99.) The United States accused Daniel Lopez (Lopes) of violating the conditions of his supervised release by: (1) failing to report for substance abuse treatment on February 8, 2024, and October 9, 2024; (2) failing to submit a random urine test on April 17, 2024, April 23, 2024, May

15, 2024, and October 9, 2024; (3) using methamphetamine on April 20, 2024, September 23, 2024, and October 9, 2024; (4) failing to advise his probation officer of a change in his residence during April and May of 2024; (5) failing to report as directed on May 16, 2024; (6) using alcohol on September 23, 2024, and October 9, 2024; and (7) absconding from supervision as of October 16, 2024. (Docs. 88 and 97.)

At the revocation hearing, the government moved to strike some of the allegations set forth in the Amended Petition, specifically, allegation 1 for failing to report for substance abuse treatment on February 8, 2024; the portion of the allegation 2 for failing to submit a random urine test on April 17, 2024, April 23, 2024 and May 15, 2024; the portion of allegation 3 for using methamphetamine on April 20, 2024; and allegations 4 and 5 in their entirety. (Doc. 99.) Lopez did admit that he had violated the terms of his supervised release by: (1) failing to report for substance abuse treatment on October 9, 2024; (2) failing to submit a random urine test on October 9, 2024; (3) using methamphetamine on September 23, 2024, and October 9, 2024; (6) using alcohol on September 23, 2024, and October 9, 2024; and (7) absconding from supervision as of October 16, 2024 (Doc. 99.)

Judge Johnston found that the violations Lopez admitted prove serious and warrants revocation of Lopez's supervised release and recommends a term of

custody of one year and 1 day, with no term of supervised release to follow. The custodial term shall run concurrently with the sentences imposed in Cause Nos. 05-119 and 05-120. (Doc. 100.) Lopez was advised of his rights to appeal and allocute to the undersigned. (Doc. 99.)

The violations prove serious and warrants revocation of Lopez's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 100) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Daniel Alejandro Lopez be sentenced to a term of one year and 1 day, with no term of supervised release to follow. Lopez should serve his term of custody at the Bureau of Prisons facility, FCI Sandstone, located in Sandstone, Minnesota.

DATED this 3rd day of February 2025.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court